

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
MICHAEL A. JOSEY,)	
)	
Plaintiff,)	
)	
v.)	1:20-cv-11956-PBS
)	
COMMONWEALTH OF MASSACHUSETTS,)	
)	
Defendant.)	
_____)	

DEFENDANT’S MOTION TO DISMISS

Pursuant to Local Rule 7.1, Fed. R. Civ. P. 12(b)(1), and Fed. R. Civ. P. 12 (b)(6), Defendant Commonwealth of Massachusetts (“Commonwealth”) hereby moves to dismiss Plaintiff’s Complaint.

In support of this Motion, the Commonwealth repeats and incorporates by reference its Memorandum of Law in Support of Its Motion to Dismiss.

WHEREFORE, the Commonwealth respectfully requests that this Court:

- A. Allow this Motion and dismiss Plaintiff’s Complaint against it; and
- B. Grant such other and further relief as equity and justice require.

COMMONWEALTH OF MASSACHUSETTS

By its Attorney,

MAURA HEALEY
ATTORNEY GENERAL

/s/ Eric A. Martignetti
Eric A. Martignetti, BBO # 678377
Assistant Attorney General
Government Bureau/Trial Division
One Ashburton Place, 18th Floor
Boston, MA 02108
617.963.2314
eric.martignetti@mass.gov

Date: February 3, 2021

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1 (a)(2)

I, Eric A. Martignetti, hereby certify that on January 20, 2021, I sent a letter by first-class mail to Plaintiff, notifying him of my intention to file a Motion to Dismiss.

/s/ Eric A. Martignetti
Eric A. Martignetti

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing (NEF) and copies were sent by first-class mail to those indicated as non-registered participants on February 3, 2021.

/s/ Eric A. Martignetti
Eric A. Martignetti